



Citizen Police Advisory Review Board

Notes

The Citizen Police Advisory Review Board met on Tuesday, September 19, 2006 at 5:36 p.m. at the Downtown Library, Basement, 101 N. Stone, Tucson, Arizona.

1. Call to Order/Roll Call

Members Present:

Susan Thornton
Ed Ware
Tom Clark
Vicki Ann Hart, Vice Chair
Cindy Schiesel, Chair

Representing:

Mayor
Ward 1
Ward 2
Ward 3
Ward 4

Absent Members:

Michael Elsner Ward 6

Advisory Members Present:

Daniel Knieter
Bruce Cameron

Ex-Officio Non-Voting Members Present:

Captain Rozema, Tucson Police Department
Liana Perez, Equal Opportunity Employment, Independent Police Auditor

Others Present:

Lieutenant Rick Wilson, Tucson Police Department
Deputy Chief Kermit Miller, Tucson Police Department
Kris Page-Iverson, City Attorneys Office
Sergeant Joe Puglia, Tucson Police Department
Officer Meredith Gietzke, Tucson Police Department
Intern Jason Garrels, Tucson Police Department
Officer Wendy Adkisson, Tucson Police Department
Officer Steve Beller, Tucson Police Department
Ron Manzi, Guest
Dante Manzi, Guest
Gil Gevrin, Guest
Randall Deeming, Guest
Gretchen Nielsen, Guest
Evelyn Alvarez, Guest
Larry Lopez, Guest
Paul Sayre, Guest
Suzanne Elefante, Guest
Elizabeth Bottka-Smith, Guest
John Kromko, Guest

Joyce Smith, Guest
Stuart Thomas, Guest
Paul Durham, Guest
Beth Tidwell, Recording Secretary, City Clerk's Office

2. Approval of Notes of August 15, 2006

Motion by Vice Chair Hart, duly seconded, and carried by a voice vote of 5 to 0 to approve the notes of August 15, 2006 with corrections.

3. Call to the Audience

Ron Manzi read the First Amendment of the United States Constitution.

Gretchen Nielsen said she was with the demonstrators from the recruitment office on Speedway and she felt mediation was necessary between the two groups.

Joyce Smith stated she was one of the demonstrators from the recruitment office on Speedway and she felt the police needed to be present.

Officer Larry Lopez said he wanted to make sure the Tucson Police Officers received due process and their rights were upheld. He said he was the President of the Tucson Police Officers Association. He said the Tucson Police Department was transparent and one of the best in the country.

John Kromko spoke about the demonstration in front of the recruiting office on Speedway.

4. Presentation of new Board Members

Chair Schiesel introduced Ed Ware as a new member to the Board.

Mr. Ware said he had lived in Tucson for one year. He said he would like the police and community to have a good relationship. Mr. Ware was representing Ward 1.

Chair Schiesel informed Mr. Ware he could not vote until he had completed the training with Liana Perez, Independent Police Auditor.

5. Presentation by Kristin Page-Iverson of the City Attorneys Office regarding authority of CPARB

Ms. Page-Iverson said the Open Meeting Law required an agenda and they could not get off track from it. She said they could not discuss a topic that was not on the agenda. She said during the review of investigations the Board needed to stick to the investigation itself and not the policy and procedures of the police department. She said the Board's actions must be made with motions. She stated the Board had an obligation to educate the public. Ms. Page-Iverson stated the Board could make requests to the Independent Police Auditor or the Tucson Police Department, if they saw an area that could be handled differently. She said they could not incur expenses without Mayor and Council approval. She said only the Chair person was allowed to make written or oral reports on Board activity. She said they could not independently investigate citizen complaints about the Tucson Police Department or an officer. They could not put

together anything that seemed like a quasi-judicial review of the police department's actions. She said they were to keep things confidential. Ms. Page-Iverson stated she would do her best to help the Board stay within the guidelines.

6. Update and report by Captain Terry Rozema on Speedway demonstrations

Captain Rozema pointed out that issues at the Speedway demonstrations had been around for some time and he felt the Board was familiar as to what the issues were. He mentioned the Board was also familiar with the police department's response to the Speedway demonstrations, and that had not changed. At one point they had an officer assigned to the demonstration and the police then became an issue. He said the officers stopped attending the demonstrations in the spring of 2006. Some of the concerns were harassment. He pointed out after watching videos and viewing the demonstrations, it did not appear as if anything was being violated beyond the Harassment Statutes relating to a demonstration. He said things like covering signs or flags were not criminal violations and they would continue to monitor the situation and have police officers drive by. He said they would offer more suggestions to people on both sides. He said there were calls and activities that needed attention daily and the police could not keep tying up resources to stay at the demonstration. There was an expectation from the public that the police respond to burglaries and robberies and things of that nature. He said when they were called by demonstrators to the location it was for things like people not liking what was being said, or it was an allegation of a physical assault but no one wanted to press charges. The police department would continue to handle the situation on an as needed basis.

7. Office of Independent Police Auditor

A. Explanation of mediation process utilized by Our Family Services Community Mediation

Liana Perez, Independent Police Auditor, stated Our Family was an organization that did community mediation. She said they had a contract to help in some situations that go through the City courts, for example: barking dogs, noise complaints, and neighborhood issues. She said the police department had an existing contract with Our Family specifically to help with mediation for citizens with complaints against police officers.

Ms. Perez said she had contacted the mediation coordinator from Our Family and asked if they could help facilitate mediation with the Speedway recruitment office protestors. She said Our Family stipulated each side would need two representatives. Ms. Perez stated the mediators would not determine who was right or wrong, but would help each side understand one another's rights in this particular conflict.

B. Outreach

Ms. Perez said her investigator, Yvette Patterson, had left the City for a position elsewhere, but there would be no interruption of service. She said the City Manager's office had given her the go ahead to fill Ms. Patterson's position.

Ms. Perez informed the Board she would be doing the outreach herself for the next few months.

She mentioned to the Board that they might want to look at the CPARB brochure and decide if they should make revisions. Ms. Perez said she handed out the brochure when she did outreach.

C. Monthly Contacts

No report was given.

8. Board comments and recommendations regarding TPD policy, practice and procedure related to demonstrations near the Armed Forces Recruiting Center of East Speedway

The Board agreed the Tucson Police Department should continue to respond to calls, continue to do drive-by's and not restrict the demonstration process.

They asked the Independent Police Auditor to pursue the mediation process.

Liana Perez, Independent Police Auditor, stated in order for Our Family Services mediation to be utilized they would need to have two willing parties from each side, and there was an expense involved. The Citizens Police Advisory Review Board could not incur that expense.

Captain Rozema and Lieutenant Wilson said the Tucson Police Department would be willing to pay for a mediation meeting between the two groups if both were willing to participate.

9. Tucson Police Department

A. TPD Updates

Captain Rozema said he wanted to discuss a few things that had come up. He said the Citizens Police Advisory Review Board was established some time ago for the purpose of providing oversight and an independent review of police department investigations. He pointed out the police department agreed with it and welcomed it. He said over the years the Board and TPD had grown and maintained a level of professionalism. He said the Board looked at what the police did and based their vote on fairness and thoroughness. He said everyone had the right to expect the police department to act professional and his concern was that it needed to be a two way street. He said in some regards it had not been and recently some of the responses from Board members were less than professional. Captain Rozema said they expect the same fairness and thoroughness the Board expected of them. He pointed out some Board members had not read all of the material, they made unnecessary comments, and some of the questions they asked were clearly answered in the packets. Captain Rozema spoke about a comment that was made stating if it was not seen on video that it did not happen. He provided the Board with a still frame photograph of the officer being kicked in the face at the April 10, 2006 rally. He said they expected an unbiased review of what they did. He said there was someone on the Board for a very short time who was making comments about an event the board member supported and was involved in, and Captain Rozema did not see where that would be an objective review. He said they had to be able to prove allegations against an officer and not just what they thought, and that officers

had due process like everyone else. He said it was unfortunate for the Board that what they dealt with was the negative stuff.

Captain Rozema said the police had over one million contacts with the public per year. He said there were three hundred and sixty calls for service and over three hundred thousand traffic stops this past year. He said they had more than a half - million phone contacts with the public. Captain Rozema said with around five hundred complaints against them, he felt they were doing a great job when you looked at how many contacts they had with the public. He wanted the Board to have that perspective.

B. Office of Internal Affairs/Update

Lieutenant Wilson stated Internal Affairs realized there was a backlog in getting the complaints out in a timely manner through the chain of commands. He said what they were doing now was sending out the interviews of both the civilian and the officer on disk.

10. Random Review of TPD Investigations

1. Case #06-0168

Vice Chair Hart asked if there were any other complaints from this particular individual.

Lieutenant Wilson said not to his knowledge.

Liana Perez said there were some from a while back but about something different.

Case #06-0168 was found to be a fair and thorough investigation by a voice vote of 5-0.

2. Case #06-0183

Tom Clark said the officer demanded identification from the woman. He said he believed citizens of the United States were not obliged to tell a police officer any thing.

Captain Rozema said he believed what they were referring to was if you were operating a motor vehicle you were required to carry identification. He said the law states if you were stopped for any violation of a Title 28, you must have identification. Captain Rozema said what the woman did was a violation of Title 28 and the officer took that and translated it.

Vice Chair Hart stated instead of addressing what the officer did, the paper read that the City employee behaved in less than an exemplary fashion. She said she did not see where it was necessary to add all of those comments.

Lieutenant Wilson said they inform the Command Officers about writing personal reports, writing responses and sticking to the facts. He said they still did need work in that aspect.

Susan Thornton asked when a supervisor disagreed with a lower level officer, did they discuss why the findings were reversed.

Lieutenant Wilson said yes. He stated what they wanted to encourage was three independent levels of review. He said it was a touchy area because you wanted to encourage first line supervisor sergeants to make their recommendations without influence. He said on the other hand if someone totally misses the point you would sit down and talk to him or her.

Michael Elsner asked if the Personal Report Executive Review was always whited out on the Boards paper.

Lieutenant Wilson said the discipline recommendation was.

Vice Chair Hart said she thought they had stopped whiting it out.

Lieutenant Wilson said he had a temporary person working in that position. He stated he would check with the staff officer and if it were the case, he would make sure they got it.

Case #06-0183 was found to be a fair and thorough investigation by a voice vote of 5-0.

3. Case #06-0652

Tom Clark said this was unfortunate for the department because the officer was insubordinate to a private employer. He said it showed lack of pride and commitment and could have a negative effect for the team players.

Vice Chair Hart said the report was argumentative when it said Ms. Harris did not have a response to the question. She said she knew the individual who made the complaint and they would not have done it.

Lieutenant Wilson said this was a case that had a couple of issues that were in question. He said maybe some of the information was incorrect but the delivery could have been better.

Case #06-0652 was found to be a fair and thorough investigation by a voice vote of 5-0.

11. Recess

By consensus, the Board decided to forego a recess.

12. Review of Citizen comments submitted to Mayor and Council in reference to TPD

Officer Meredith Gietzke said the commander of the South division said the swap meet at Valencia was no longer being used. She said the owner of the property was building on the site and there was no longer a swap meet there.

Chair Schiesel asked about the homeless camp near North Bonita and the Santa Cruz River. Chair Schiesel wanted to know if anything had been done about it.

Officer Gietzke said the bike squad from the West operations department had been doing regular checks. Officer Gietzke said the patrol officers had been informed about the problem, too.

Susan Thornton said she was pleased to see comments that were nice things about the Tucson Police Department.

Michael Elsner said he was concerned about the repeat callers who appeared to be mentally ill. He wanted to know if the community health system could be more responsive, or if the Tucson Police Department could make referrals.

Lieutenant Wilson said when there are actual threats they do notify the proper agencies.

13. Report on CPARB Website

Bruce Cameron said he was waiting on Officer Johnson to post the agenda and notes from the previous Citizens Police Advisory Review Board meeting.

Mr. Cameron requested a biography from Mr. Ed Ware to post on the website.

14. Report from the Interview Committee regarding applicants for the two advisory positions

Chair Schiesel thanked the subcommittee for their time in selecting the advisory members. She said the committee interviewed nine of the thirty-one applicants; the tenth candidate was unavailable for an interview. She said the committee respectfully approved, in order, the following people; Joaquin Murrieta and Jennifer Lopez. In the case they could not serve for any reason, the following people would be used; Joel Patterson, Preston Godfrey, or Donald Schultz.

Motion by Michael Elsner, duly seconded, and carried by a voice vote of 5 to 0 to accept the recommendations.

15. Report from the Chair/Announcements

A. Training Day

October 21, 2006 was the planned training day. Chair Schiesel said customer service would be one of the topics.

16. Future Agenda Items

Chair Schiesel said one future agenda item would be the relationship between the Tucson Police Department and the University of Arizona's police department.

Chair Schiesel said they would be looking at the CPARB brochures to see if changes needed to be made.

Susan Thornton said she would like to make comments about a recent ride along that she did with the Rapid Response Team.

Liana Perez said she would give a follow up about mediation attempts with the protestors at the Speedway Recruitment office.

Chair Schiesel said she was grateful to the Mayor and Council for providing funds for Bruce Cameron and Tom Clark to attend the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference in Idaho. She mentioned the Board would like to hear about their trip on a future agenda.

17. Adjournment – 7:36 p.m.

MOTION by Susan Thornton, duly seconded, and approved by a voice vote of 5 to 0, to adjourn.